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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

'08 MJ 0182

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Adolfo RODRIGUEZ-Zarazua,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 17, 2008,** within the Southern District of California, defendant, **Jose Adolfo RODRIGUEZ-Zarazua,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** **DAY OF** **JANUARY 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Adolfo RODRIGUEZ-Zarazua

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 17, 2008, at approximately 5:50 P.M., Border Patrol Agent A. Ochoa was performing line watch operations in the Imperial Beach, California area of operations, near an area known as "Whiskey 15." This area is approximately five miles west of the San Ysidro, California Port of Entry and approximately 50 yards north of the United States/Mexico International Boundary Fence.

At approximately 6:00 P.M. Agent Ochoa observed an individual heading north from the "Whiskey 15" area. Agent Ochoa then approached the individual, who was later identified as the defendant **Jose Adolfo RODRIGUEZ-Zarazua**. Agent Ochoa identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico illegally present in the United States and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. At approximately 6:09 P.M., Agent Ochoa arrested the defendant and subsequently had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 16, 2008,** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant stated that he is a citizen and national of Mexico not in possession of any immigration documents that would allow him to be or remain in the United States legally.

Executed on January 19, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 17, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Jan M. Adler
United States Magistrate Judge

1/19/08 @ 3:04 p.m.
Date/Time